

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

50 CFR Part 17

RIN 1018 AC97

**Endangered and Threatened Wildlife and Plants; Emergency Reclassification of the Snake River Spring/Summer Chinook Salmon and the Snake River Fall Chinook Salmon From Threatened to Endangered Status**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Emergency rule.

**SUMMARY:** The Fish and Wildlife Service is reclassifying the Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) and the Snake River fall chinook salmon from threatened to endangered status under the emergency provisions of the Endangered Species Act of 1973 (Act). This reflects a determination by the National Marine Fisheries Service, which has jurisdiction for these species, that the species warrant emergency reclassification based on a projected decline in adult Snake River chinook salmon abundance. This determination by NMFS was published in the August 18, 1994, Federal Register.

**EFFECTIVE DATE:** This emergency rule is effective from August 18, 1994, to May 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jamie Rappaport Clark, Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Mail Stop 452, Arlington, Virginia 22203 (703/358-2171).

**SUPPLEMENTARY INFORMATION:** Under the Endangered Species Act (16 U.S.C. 1531 et seq.), and in accordance with Reorganization Plan No. 4 of 1970, the National Marine Fisheries Services (NMFS), National Oceanic and Atmospheric Administration.

Department of Commerce, is responsible for the Snake River spring/summer and fall chinook salmon. Under section 4(a)(2) of the Act, NMFS must decide whether a species under its jurisdiction should be classified as endangered or threatened. The Fish and Wildlife Service (Service) is responsible for the actual addition, deletion and amendment of the List of Endangered and Threatened Wildlife in 50 CFR 17.11(h) (List).

NMFS published its determination of threatened status for the Snake River spring/summer chinook salmon and the Snake River fall chinook salmon on April 22, 1992 (57 FR 14653). Accordingly, the Service added the species to the List on September 23, 1993 (58 FR 49880). On August 18, 1994, NMFS published an emergency interim rule in the Federal Register (59 FR 42529) reclassifying the Snake River spring/summer chinook salmon and the Snake River fall chinook salmon from threatened to endangered status based on new data that indicates that critically low salmon returns are expected for 1994. Accordingly, the Service is amending the List, pursuant to the emergency provisions of section 4(b)(7) of the Act, to reflect the revised status.

During the 240 days this emergency rule is in effect, NMFS will initiate and complete a rulemaking (with a public comment period) to extend the reclassification of Snake River spring/summer and fall chinook salmon to endangered status under the Act until such time as reclassification or delisting is warranted. This action of the Service to amend the List in accordance with the determination by NMFS is nondiscretionary. Therefore, in view of the public comment period that will be provided by NMFS on the proposed reclassification, the Service finds that good cause exists to omit the notice and public comment procedures of 5 U.S.C. 553(b) and to make this action effective on August 18, 1994, the date of publication of NMFS' emergency

interim rule, waiving the 30-day effective date provision of 5 U.S.C. 553(d).

## National Environmental Policy Act

The Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

## List of Subjects in 50 CFR Part 17

Endangered and threatened species. Export, Import, Reporting and recordkeeping requirements, and Transportation.

## Regulation Promulgation

## PART 17—[AMENDED]

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

## § 17.11 [Amended]

2. Section 17.11(h) is amended by suspending the two entries in the table for the Snake R. Vertebrate populations of "Salmon, chinook" under FISHERIES, effective August 18, 1994, to May 26, 1995.

3. Section 17.11(h) is amended by adding the following entries to the table immediately after the two suspended Snake R. Vertebrate populations of "Salmon, chinook" under FISHERIES, to be effective from August 18, 1994, to May 26, 1995, and to read as follows:

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						

## FISHES

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Salmon, chinook .....	Oncorhynchus tshawytscha.	North Pacific Basin from U.S.A. (CA) to Japan.	Snake R. (U.S.A.—ID, OR, WA) (mainstem and the following subbasins-Tucannon R., Grande Ronde R., Imnaha R., and Salmon R.) spring/summer run, natural population(s), wherever found.	E	516,557	NA	NA
Salmon, chinook .....	Oncorhynchus tshawytscha.	North Pacific Basin from U.S.A. (CA) to Japan.	Snake R. (U.S.A.—ID, OR, WA) (mainstem and the following subbasins-Tucannon R., Grande Ronde R., Imnaha R., Salmon R., and Clearwater R.) fall run, natural population(s), wherever found.	E	516,557	NA	NA

Dated: September 23, 1994.  
**Mollie H. Beattie,**  
*Director, Fish and Wildlife Service.*  
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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 638

[Docket No. 940677-4177; I.D. 090994D]

#### Coral and Coral Reefs of the Gulf of Mexico and the South Atlantic

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Closure.

**SUMMARY:** NMFS closes the fishery for live rock in the exclusive economic zone (EEZ) off the southern Atlantic states. This action is necessary to prevent exceeding the 1994 harvest quota.

**EFFECTIVE DATE:** November 1, 1994, through December 25, 1994.

**FOR FURTHER INFORMATION CONTACT:** Georgia Cranmore, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** Coral and coral reefs in the EEZ off the southern Atlantic states and in the Gulf of Mexico are managed under the Fishery Management Plan for Coral and Coral Reefs of the Gulf of Mexico and the South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and

South Atlantic Fishery Management Councils and is implemented through regulations at 50 CFR part 638 under the authority of the Magnuson Fishery Conservation and Management Act.

Under an emergency interim rule effective through September 26, 1994 (59 FR 32938, June 27, 1994), and extended through December 25, 1994 (59 FR 47563, September 16, 1994), NMFS established a 1994 harvest quota of 485,000 lb (219,992 kg) for live rock in the EEZ off the southern Atlantic states. Section 638.28(d) of that emergency interim rule requires the Assistant Administrator for Fisheries, NOAA (AA), to close the live rock fishery in the EEZ off the southern Atlantic states when the 1994 harvest quota is reached, or is projected to be reached.

The AA has determined that the quota will be reached on October 31, 1994. Accordingly, the live rock fishery in the South Atlantic EEZ is closed effective 12:01 a.m., local time, November 1, 1994, through December 25, 1994, the end of the period of effectiveness of the emergency interim rule. During the closure, live rock may not be harvested or possessed in the EEZ off the southern Atlantic states, and the purchase, barter, trade, and sale of live rock in or from the EEZ off the southern Atlantic states is prohibited. The latter prohibition does not apply to live rock that was harvested prior to November 1, 1994.

#### Classification

This action is required by 50 CFR 638.28(d) and is exempt from review under E.O. 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: October 27, 1994.

**David S. Crestin,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

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#### 50 CFR Part 672

[I.D. 090892B]

RIN 0648-AD44

#### Groundfish of the Gulf of Alaska; Correction

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule; correction.

**SUMMARY:** This document contains corrections to final regulations (I.D. 090892B), which were published Wednesday, October 5, 1994. The regulation established standard groundfish product types and standard product recovery rates for purposes of managing the groundfish fisheries off Alaska.

**EFFECTIVE DATE:** November 4, 1994.

**FOR FURTHER INFORMATION CONTACT:** William D. Chappell, 301-713-2341.

**SUPPLEMENTARY INFORMATION:** On October 5, 1994 (59 FR 50699), NMFS published a final rule to implement a regulatory amendment establishing standard groundfish product types and standard product recovery rates (PRRs)